

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Ian Donald, et al. §
§ Group Art Unit: Unassigned
Serial No.: 10/590,563 §
§
Filed: February 25, 2005 § Examiner: Unassigned
§
For: Connection System for Subsea Flow §
Interface Equipment §
§ Atty Docket: CMRN:0051 SWA/DRY
§ OTE/DES-031085 US

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

December 13, 2007

/Tait R. Swanson/

Date

Tait R. Swanson

Sir:

**RESPONSE TO THE NOTIFICATION OF MISSING
REQUIREMENTS AND PETITION UNDER 37 C.F.R. § 1.47(a)**

In Response to the Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed May 14, 2007, please find enclosed the following papers: (1) a copy of the Notification of Missing Requirements; (2) a partially executed Declaration pursuant to 37 C.F.R. § 1.63; and (3) the Declaration of John Reid detailing pertinent facts in support of this Petition (the “Reid Declaration”).

Petitioner respectfully requests the Commissioner to accept the filing of the above-identified application by less than all of the inventors, specifically, two joint inventors on their behalf and on behalf of two omitted inventors in accordance with 37 C.F.R. § 1.47(a). *See also* M.P.E.P. § 409.03.

The above-identified application names four joint inventors: Ian Donald, John Reid, Alan Crawford, and Paul W. White. This Petition is being filed with a duly executed Declaration of two of the inventors, namely, Ian Donald and John Reid, on behalf of themselves and on behalf of Alan Crawford and Paul W. White. As set forth in the Reid Declaration (incorrectly identified as pursuant to

§ 1.47(d) rather than § 1.47(a)) and its accompanying exhibits, Alan Crawford and Paul W. White have refused to join in the application or to execute documents in support of it.

The name and last known addresses of the omitted co-inventors in this application are as follows:

Alan Crawford
168C Hutcheon Street, Aberdeen, United Kingdom

Paul W. White
38 Cairds Wynd, Abotts Wood, Banchory, AB31 5UX, United Kingdom

The omitted joint inventors, Alan Crawford and Paul W. White, by virtue of a Patent Assignment dated March 24, 2004 and a Confirmatory Agreement dated February 11, 2005 and March 17, 2005, assigned US Patent Application No. 60/548,727 and any continuing applications thereof, all US Letter Patent which may be granted on said applications, and including the right to file further Applications and the right to be granted Patents pursuant to any such further Applications anywhere in the world claiming priority from US Patent Application No. 60/548,727 to DES Enhanced Recovery Limited. The present application is such a further Application claiming priority from US Patent Application No 60/548,727, and is hence assigned by virtue of the Assignment and Confirmatory Agreement. A copy of the Assignment and Confirmatory Agreement accompany this Petition (see Appendix A and Annex 1 of the Declaration of John Reid). Petitioner, therefore, is entitled to clear title to the invention claimed in the Application, and to the Application and any patent which may issue thereon.

Additionally, as Petitioner will establish below, the conduct of Alan Crawford and Paul W. White constitutes a refusal to join in the application. As stated in the Manual of Patent Examining Procedure, “When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor’s conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition.” M.P.E.P. § 409.03(d)(II).

John Reid initially attempted to contact Paul W. White directly and was advised to direct all requests through his employer’s attorney Mark Barnett, who is Associate General Counsel of ABB

Vetco Gray, Inc. Declaration of John Reid, para. 9. Mr. Reid requested Mr. Barnett to obtain Alan Crawford's and Paul White's signatures in a letter dated August 21, 2006. *Id.* at para. 10; Appendix B. On October 24, 2006, Mr. Reid telephoned Mr. Barnett, requesting the Declaration and Assignments to be signed by the inventors, and followed up the phone conversation with a reminder e-mail on November 2, 2006. *Id.* at para. 11-12; Appendix C. On November 16, 2006, Mr. Reid had a telephone conversation with Mr. Barnett in which he confirmed that Mr. Barnett had read PCT/2005/000725 and that he was unwilling to authorize either Alan Crawford or Paul White to sign either the Declaration/Power of Attorney or the Assignments, and therefore refused to authorize the inventors to sign the papers. *Id.* at para. 13. In the phone conversation, Mr. Barnett stated that in his opinion, all necessary transfer documents had already been signed, and the phone conversation was followed by an e-mail from Mr. Barnett stating that he was unwilling to authorize the inventors to sign the documents, and confirming that Mr. Barnett has reviewed the documents. *Id.* at para. 14-16; Appendix D. As of February 23, 2007, Mr. Reid had not received any other responses from Mark Barnett, Alan Crawford, or Paul White.

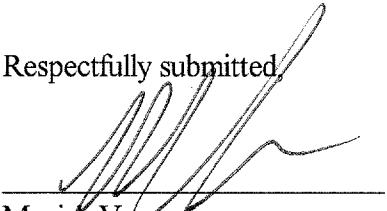
Petitioner asserts that in view of these facts they have made a diligent effort to contact Alan Crawford and Paul W. White, and the conduct of Alan Crawford, Paul W. White, and Mark Barnett constitutes a refusal of the inventors Alan Crawford and Paul W. White to join in the present Application.

In view of this refusal, joint inventors Ian Donald and John Reid are believed to be entitled to make such application on behalf of Alan Crawford and Paul W. White. Moreover, Petitioner believes that the prosecution, without delay, of the Application is necessary to preserve the rights of Petitioner and to prevent irreparable damage which might occur from a loss of proprietary rights to the invention covered by the Application.

Authorization for Extension of Time and Payment of Fees

Petitioner hereby requests a 5 (five) month extension in the statutory period for Response to the Notice to File Missing Requirements from July 14, 2007 to December 14, 2007, in accordance with 37 C.F.R. § 1.17(a). The Commissioner is authorized to charge the requisite fee of \$2490.00 (\$130 late filing surcharge under 37 C.F.R. § 1.492(h), \$200 petition fee under 37 C.F.R. § 1.17(g), and \$2160 for a five-month extension), and any additional fees which may be required, to Deposit Account No. 03-0335; Order No. OTE-031085US (CMRN:0051/SWA).

Date: December 13, 2007

Respectfully submitted,


Manish Vyas
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UNITED STATES PATENT AND TRADEMARK OFFICE

OTE/DES-031085 US

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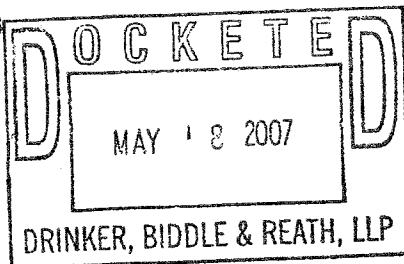
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,563	Ian Donald RECEIVED MAY 18 2007 DRINKER, BIDDLE & REATH, LLP	36290-0426-00-US (229972)
23973 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996	INTERNATIONAL APPLICATION NO. PCT/GB05/00725 I.A. FILING DATE PRIORITY DATE 02/25/2005 02/26/2004	
CONFIRMATION NO. 8541 371 FORMALITIES LETTER  *OC000000023840860*		

Date Mailed: 05/14/2007

AP
NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/24/2006
- Copy of the International Search Report filed on 08/24/2006
- Preliminary Amendments filed on 08/24/2006
- Information Disclosure Statements filed on 08/24/2006
- Request for Immediate Examination filed on 08/24/2006
- U.S. Basic National Fees filed on 08/24/2006
- Priority Documents filed on 08/24/2006
- Specification filed on 08/24/2006
- Claims filed on 08/24/2006
- Abstracts filed on 08/24/2006
- Drawings filed on 08/24/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,563	PCT/GB05/00725	36290-0426-00-US (229972)

FORM PCT/DO/EO/905 (371 Formalities Notice)